

Applicants respectfully submit that claims 3-5 should be allowed for the same reasons as claims 1-2 and 6-18 below, and therefore, respectfully submit that claims 3-5 are allowable in their present form.

I. Rejection of claims 4, 7-12, 14 and 16 under 35 U.S.C. § 112, second paragraph

On page 2 of the Office Action, claims 4, 7-12, 14, and 16 are rejected under 35 U.S.C. 112, second paragraph. The Examiner's position is set forth below.

A. Claim 4 is rejected because it is unclear what is meant by "mass average molecular weight". The examiner is only familiar with "weight average" and "number average" molecular weight.

Applicants respectfully submit that "mass average molecular weight" is a term of art, which would be understood by one of skill in the art. Accordingly, Applicants submit herewith a definition of "mass average molecular weight" (see the attached page from the IUPAC website).

B. Claim 7 is rejected because it is unclear how this claim further limits claim 3 which already claims a polymerizable compound and claim 1 from which the claim depends from claims having an electrolyte salt.

Applicants respectfully submit that claim 7 differs from claims 1 and 3. Claim 3 is directed to a solid polymer electrolyte, and claim 1 is directed to the combination of a solid polymer electrolyte and electrolyte salt. In contrast, claim 7 is directed to a polymerizable composition to obtain a solid polymer electrolyte and electrolyte salt. Therefore, claim 7 further limits claims 1 and 2 because claim 7 is directed to a

polymerizable composition (i.e., a composition that has not undergone polymerization).

In view of the above, Applicants respectfully request that the foregoing rejections be withdrawn.

II. Response to rejection of claims 1-2 and 6-18 under 35 U.S.C. § 102(b)

On page 3 of the Office Action, claims 1-2 and 6-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi et al. (JP 2000-67643, abstract).

Applicants respectfully respond as follows.

Takeuchi was published on March 3, 2000, which is not more than one year before the effective filing date of November 6, 2000, for the present application (the filing date of the provisional application no. 60/245,717, which support the claims of this application). Therefore, Takeuchi could only possibly be a reference under 35 U.S.C. § 102(a).

In addition, Takeuchi is assigned to Showa Denko K.K., and Masataka Takeuchi, Shuichi Naijo¹ and Ayako Nishioka are common inventors. Therefore, Applicants submit herewith a Declaration under 37 C.F.R. § 1.132 showing that the inventive entity of the disclosure being relied upon by the Examiner is the same inventive entity as in the present case. Accordingly, Takeuchi is not invented "by another" as set forth in 35 U.S.C. § 102(a), and therefore does not qualify as a reference under §102(a).

In view of the above, withdrawal of the foregoing rejection is respectfully requested.

¹ There is a translation error with respect to Shuichi Naijo's name in the Examiner's English abstract.

RESPONSE
U.S. Application No. 09/901,122

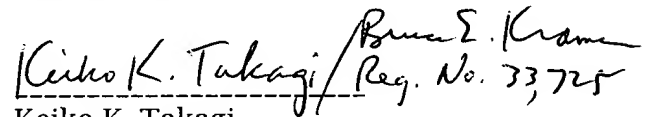
Attorney Docket Q61612

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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23373

CUSTOMER NUMBER

Date: September 24, 2003

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DEFINITION AND CLASSIFICATION OF COLLOIDS

Number average relative molecular mass (= Number average molecular weight)

 $\bar{M}_{r,n}$

$$[\bar{M}_{r,n} = \frac{\sum n_i M_r(i)}{\sum n_i}]$$

Mass average relative molecular mass (= Mass average molecular weight)

 $\bar{M}_{r,m}$

$$[\bar{M}_{r,m} = \frac{\sum n_i (M_r(i))^2}{\sum n_i M_r(i)}]$$

Z-average relative molecular mass (= Z-average molecular weight)

 $\bar{M}_{r,z}$

$$[\bar{M}_{r,z} = \frac{\sum n_i (M_r(i))^3}{\sum n_i (M_r(i))^2}]$$

2002-09-05